

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Cancelled).

Claim 2 (Currently Amended): ~~[[A]]~~ The biologically pure culture of *Brevibacillus choshinensis* of Claim 3 having the following properties ~~and which does not form spores:~~

(a) Morphology:

size of cell:

liquid medium:  $0.4$  to  $0.6 \times 1.5$  to  $4 \mu\text{m}$ ,

form of cell: bacillus,

presence or absence of spore: absence,

(b) Physiological properties:

reduction of nitrate: -,

VP test: -,

utilization of citric acid: +,

urease: -,

oxidase: +,

catalase: +,

(c) Other properties:

temperature resistance: die at  $60^{\circ}\text{C}$ .

Claim 3 (Currently Amended): A biologically pure culture of *Brevibacillus choshinensis* which does not form spores, and which has an inactivated wherein a sporulation-associated gene-hos gene which comprises SEQ ID NO:1 is inactivated.

Claims 4-20 (Cancelled).